

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

JONATHAN ELLER and MORMON  
MATCH LLC,

Plaintiffs,

v.

INTELLECTUAL RESERVE, INC.,  
a Utah Corporation, holding intellectual  
property for The Church of Jesus Christ  
of Latter-day Saints,

Defendant.

CIVIL ACTION NO.: 14-CV-00914

**PLAINTIFFS' COMBINED FRCP 12(B), (C), AND (F)  
MOTION TO DISMISS, FOR JUDGMENT, AND TO STRIKE**

NOW comes Plaintiffs, JONATHAN ELLER, and MORMON MATCH, LLC, and file this motion seeking an order dismissing defendant Intellectual Reserve, Inc. ("IRI")'s counterclaims, granting judgment on Plaintiffs' injunctive and declaratory judgment claims, and striking IRI's affirmative defenses pursuant to Rules 12(b)(6), (c), and (f) of the Federal Rules of Civil Procedure, and granting all other relief as the Court may deem just and proper

For the reasons set forth in detail in the accompanying Memorandum of Law, Plaintiffs respectfully request the Court grant this Motion. Specifically, IRI fails to plead facts supporting claims for which relief can be granted. In light of settled law and judicially noticeable facts, IRI's claims fail for fair use, descriptiveness, failure to police, and lack of confusion. Plaintiffs' claims should be granted for the same reasons. IRI's defenses are insufficiently pleaded and should be struck under Fed. R. Civ. P. 12(f).

Dated May 16, 2014

Respectfully submitted,

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